

Notice of Allowability

Application No.

09/845,138

Examiner

JAGDISH PATEL

Applicant(s)

OTERO ET AL.

Art Unit

3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/23/07.
2. ☒ The allowed claim(s) is/are 6-13, 18-26 and 33-45.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

1. This communication is in response to amendment filed 4/23/07.

Response to Amendment

2. Claims 6, 18, 33, 40 and 44 have been amended,
3. Claims 6-13, 18-26, and 33-45 are pending and have been allowed.

Reasons for Allowance

4. The following is an examiner's statement of reasons for allowance:

The claimed inventions relate to apparatus, methods and articles of manufacture for computerized transaction execution and processing. More particularly, this invention relates to apparatus, methods and articles of manufacture for client-server transaction execution and processing.

The following prior art references have been deemed most relevant to the allowed claim(s).

Breen et al (US 6,615, 188) (Breen) discloses an online trading system in which orders are collected and aggregated into larger orders to be presented to a securities exchange (Abstract; column 5, lines 35-43). Breen's system includes a trading server 14 (FIG. 1; column 8, lines 6-8 and 18-20) and order terminals 12 connected at least temporarily to the trading server (FIG. 1; column 8, lines 6-9; column 7, lines 41-51). The order terminals may be used by investors to place orders with the trading server (column 7, lines 41-45, 63-66, 5-8). The trading server (via its constituent transaction server 50) aggregates orders from investors and places the resulting combined orders with a securities exchange for execution (column 7, line 66 to column 8, line 5; column 12, lines 2-7 and 30-33; column 7, lines 7-8). In Breen the JAVA applets referred to at column 7, lines 52-62 of the reference are described as providing communication with server software running on a trading server, but there is nothing in the reference that teaches or suggests that the JAVA applets are for implementing a plurality of trading strategies or for carrying out trades in a plurality of markets. Thus, even if plug-ins were used instead of the JAVA applets of Breen, such plug-ins would still fail to satisfy the "first algorithm plug-in for implementing a first trading strategy", "second algorithm plug-in for implementing a second trading strategy that

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is different from said first trading strategy", "first market plug-in for carrying out trades in a first market" and "second market plug-in for carrying out trades in a second market that is different from said first market", all as recited in claim 6. It is therefore respectfully requested that the rejection of claim 6 be reconsidered and withdrawn.

Young (US 6,377,939) (Young) discloses a system for metering and billing telecommunication services (column 4, lines 28-39). The software for this system is constructed out of processing modules, referred to as "plug-ins", that operate under the control of an execution management framework (column 2, lines 42-58; FIG. 4, item 425). The plug-ins described in Young calculates "property" values for "sessions" (column 10, lines 42-45). The term "session" refers to the use of a service (column 4, lines 10-12). The term "property" refers to a quantity that may be metered for a particular service, such as duration of the session or quantity of data transmitted (column 4, lines 16-24).

The following are the reasons for allowance for the pending claims.

Claims 6-13 are allowed because Breen and Young references taken alone or in any combination, fail to teach or suggest or render obvious to one of ordinary skill in the art, the following novel features of the claimed inventions.

An apparatus for computerized trading a first algorithm plug-in and a second algorithm plug-in for implementing a first trading strategy and second trading strategy respectively and a first market plug-in for carrying out trades in a first market and a second market plug-in for carrying out trades in a second market and substituting means for substituting either of said second algorithm plug-in or said second market plug-in for either of said first algorithm plug-in or said first market plug-in respectively, in an engine for providing services the first algorithm plug-in and the first market plug-in, whereby said first algorithm plug-in and said first market plug-in are implemented in said engine in order to execute a trade.

Claims 18-26 recite process, which corresponds to and performed by the apparatus of claim 6 and therefore have been allowed over the prior art for the reasons outlined above.

Claims 33-45 are allowed because Breen and Young references taken alone or in combination, fail to teach or suggest or render obvious to one of ordinary skill in the art, the following novel features of the claimed inventions.

..configuring an engine with the selected one of the algorithm plug-ins from a plurality of algorithm plug-ins provided and with the selected one of the market plug-ins from a plurality of algorithm plug-ins provided, the engine being for providing to the selected one of the algorithm plug-ins access to market data and for sending orders on behalf of the selected one of the algorithm plug-ins and for receiving notification of executions of orders on behalf of the selected one of the algorithm plug-ins and carrying out trades using the configured engine in accordance with the trading strategy implemented by the selected one of the algorithm plug-ins and in accordance with market rules implemented by the selected one of the market plug-ins.

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claims 40-44 recite an apparatus for computerized trading that performs at least the aforementioned process of method claim 33.

Claim 45 recites an article or a product for executing for computerized trading that comprises at least the means for performing the process of method claim 33.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAGDISH PATEL whose telephone number is (571) 272-6748.

The examiner can normally be reached on **800AM-630PM Mon-Tue and Thu**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **KRAMER JAMES A** can be reached on **(571) 272-6783**. The fax phone number for the organization where this application or proceeding is assigned is 517-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jagdish N. Patel

(Primary Examiner, AU 3693)

7/9/07